

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA :
 :
 v. : SUPERSEDING INFORMATION
 :
 JUAN CARLOS FAJARDO, : S1 08 Cr. 389 (PAC)
 :
 Defendant. :
 :
 - - - - -X

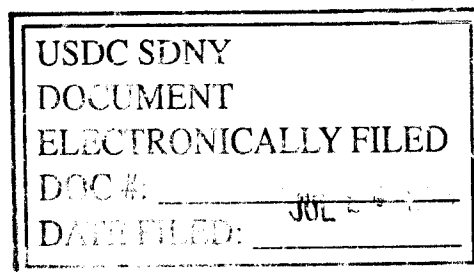
COUNT ONE

The United States Attorney charges:

1. From at least in or about 2003, up to and including on or about December 14, 2007, in the Southern District of New York and elsewhere, JUAN CARLOS FAJARDO, the defendant, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JUAN CARLOS FAJARDO, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, fifty grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)



COUNT TWO

The United States Attorney further charges:

1. From at least in or about 2002, up to and including in or about 2005, in the Southern District of New York and elsewhere, JUAN CARLOS FAJARDO, the defendant, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JUAN CARLOS FAJARDO, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, fifty grams and more of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(D).

(Title 21, United States Code, Section 846.)

COUNT THREE

The United States Attorney further charges:

5. On or about November 30, 2007, in the Southern District of New York, JUAN CARLOS FAJARDO, the defendant, unlawfully, willfully, and knowingly did distribute and possess with intent to distribute a controlled substance, mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

3. As a result of committing the controlled substance offenses alleged in Counts One through Three of this Superseding Information, JUAN CARLOS FAJARDO, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts One through Three of this Superseding Information.

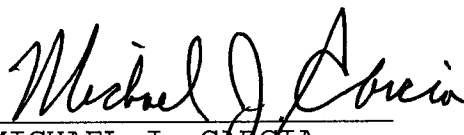
Substitute Asset Provision

4. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant -

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value;
or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)



MICHAEL J. GARCIA
United States Attorney

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(21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(C), and 846, and 18 U.S.C. § 2)

MICHAEL J. GARCIA
United States Attorney.
